



COUNTY OF LOS ANGELES  
OFFICE OF THE COUNTY COUNSEL

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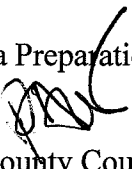
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December 28, 2011

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TO: SACHI A. HAMAI  
Executive Officer  
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU   
Senior Assistant County Counsel

RE: **Item for the Board of Supervisor's Agenda**  
**County Claims Board Recommendation**  
**Marjorie Durazo v. County of Los Angeles**  
**Los Angeles Superior Court Case No. LC 094 446**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Corrective Action Plan, and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Corrective Action Plan, and the Summary Corrective Action Plan be placed on the Board of Supervisor's agenda.

PAW:cs

Attachments

## Board Agenda

### MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Marjorie Durazo v. County of Los Angeles, Los Angeles Superior Court Case No. LC 094 446, in the amount of \$475,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works' budget.

This lawsuit arises from injuries sustained in a vehicle accident involving an employee of the Department of Public Works.

## CASE SUMMARY

### INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Marjorie Durazo v. County of Los Angeles, et al.
CASE NUMBER	LC094446
COURT	Los Angeles Superior Court
DATE FILED	8/03/2011
COUNTY DEPARTMENT	Public Works Special District - Flood Control District
PROPOSED SETTLEMENT AMOUNT	\$ 475,000
ATTORNEY FOR PLAINTIFF	Gerald D. Raphael, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>On August 21, 2009, a County of Los Angeles employee was driving a County-owned pick-up truck southbound on Topanga Canyon Road approaching the intersection with Lanark Street, City of Los Angeles in heavy traffic. A vehicle in front of the pick-up truck abruptly changed to the next lane because of traffic stopped ahead at the intersection. The County employee applied his brakes and tried to swerve away from the vehicle ahead, but was unable to avoid a collision with the vehicle driven by Marjorie Durazo. Ms. Durazo contends that the County employee was negligent in the operation of the pick-up truck</p>

and the County is vicariously  
liable.

Ms. Durazo received soft-tissue  
injuries to her neck, shoulders,  
and upper back, which required  
surgery.

Due to the risks and uncertainties  
of litigation, a full and final  
settlement of the case in the  
amount of \$475,000 is  
recommended.

PAID ATTORNEY FEES, TO DATE	\$	5,737
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PAID COSTS, TO DATE	\$	6,652
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**DEPARTMENT OF PUBLIC WORKS  
CORRECTIVE ACTION PLAN**

**DEPARTMENT OF PUBLIC WORKS**

**CORRECTIVE ACTION PLAN**

**CLAIM OF:** Margie Durazo

**INCIDENT DATE:** August 21, 2009

**INCIDENT LOCATION:** Topanga Canyon Boulevard at Lanark Street, City of Los Angeles.

**RISK ISSUE:**

A public entity is responsible for the negligent acts of its employees when the acts are done in the course and scope of employment.

**INVESTIGATIVE REVIEW:**

On August 21, 2009, Margie Durazo was at a complete stop in her vehicle, a 2004 Honda Accord, at the intersection of Topanga Canyon Boulevard and Lanark Street, Los Angeles. A Public Works Crew Leader with Flood Maintenance Division was heading southbound on Topanga Canyon Boulevard in a County vehicle, a 2002 Chevrolet utility truck, on his way to the City of Calabasas in order to perform maintenance on a private drain at approximately 35 miles per hour. The vehicles in front of him came to a sudden stop. He swerved to avoid colliding with the vehicles ahead of him but could not stop in time and struck the rear end of Ms. Durazo's vehicle.

This matter was subsequently reviewed by Public Works Automotive Safety Committee, where it was determined that the County employee was at fault for the incident.

Mediation was held in this matter on July 19, 2011. A settlement of \$475,000 was reached, pending Claims Board and Board of Supervisors approval.

**POLICY ISSUES:**

Public Works has several safety directives governing the safe operation of vehicles and equipment; vehicles are to be operated safely for the conditions and within the law.

**CORRECTIVE ACTION:**

Reviewed &amp; Recommended

Approved

CC:psr  
P4:\DURAZO CAP1



## Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim:	Margie Durazo
Date of incident/event:	August 21, 2009
Briefly provide a description of the incident/event:	Margie Durazo was at a complete stop in her vehicle, a 2004 Honda Accord, at the intersection of Topanga Canyon Boulevard and Lanark Street, Los Angeles. A Public Works employee was heading southbound on Topanga Canyon Boulevard at approximately 35 miles per hour in a County vehicle, on his way to the City of Calabasas in order to perform maintenance on a private drain. The vehicles in front of the Public Works employee came to a sudden stop. Our employee swerved to avoid colliding with the vehicles ahead of him, but could not stop in time, and struck the rear end of Ms. Durazo's vehicle.

1 Briefly describe the root cause of the claim/lawsuit:


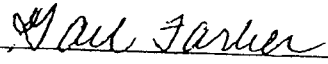
The Public Works employee was found to be at fault for this incident, due to following Ms. Durazo's vehicle too closely.

2 Briefly describe recommended corrective actions:  
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

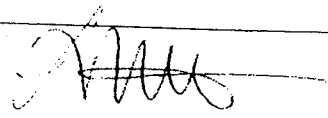
A seven-day suspension was issued to the Public Works employee by the departments Advocacy Section.

3. State if the corrective actions are applicable to only your department or other County departments:  
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- ☐ Potentially has Countywide implications.
- ☐ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).
- ☒ Does not appear to have Countywide or other department implications.

Signature: (Risk Management Coordinator) 	Date: 8/12/2011
Steven G. Steinhoff	
Signature: (Department Head) 	Date: 8-22-11
Gail Farber	

Chief Executive Office Risk Management

Name: Leo Costantino	
Signature: 	Date: 8/10/2011

CC:psr  
P4:IDURAZO SCAP1